

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)
)
)
)
v.) CRIMINAL No. 2:09-CR-56-DBH-02
)
SEAN McKOY,)
)
DEFENDANT)

**ORDER ON DEFENDANT'S REQUEST FOR EARLY
TERMINATION OF SUPERVISED RELEASE**

The defendant has moved for early termination of his supervised release. (ECF No. 612). He says that he qualifies under 18 U.S.C. § 3583(e)(1), a provision that allows a judge to consider such a request after one year of supervised release has expired. The defendant believes that his supervised release term began on July 8, 2018. See id. ¶ 4. I am informed by the Probation Office, however, that July 8 was the date the Bureau of Prisons gave him pre-release status to a halfway house. His term of supervised release did not actually begin until November 8, 2018, after the 6-month pre-release ended. The defendant, therefore, is not yet eligible for the termination he requests, and I **DENY WITHOUT PREJUDICE** his motion.¹ I congratulate him on the progress he has made as described in his motion. He may renew his request after November 8, 2019.

So ORDERED.

DATED THIS 13TH DAY OF AUGUST, 2019

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE

¹ In paragraph 7, the defendant refers to the Federal Rules of Criminal Procedure relating to the modification of probation. (ECF No. 612). Federal Rule of Criminal Procedure 32.1 deals with revoking or modifying probation or supervised release. Subsection (d) makes clear that section 3583 remains the governing authority for supervised release cases.